IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 30TH MAY 2007 / 9TH JYAISHTA 1929

Bail Appl..No. 3165 of 2007()

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CRIME NO.16/2007 OF MALLAPPILLY EXCISE RANGE

PETITIONER/ACCUSED

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ANILKUMAR T.G., AGED 39,
S/O GOPALAKRISHNAN, PATTATHIL VEEDU,
VENNIKKULAM P.O., VALANKARA, PATHANAMTHITTA

BY ADV. SRI.C.P.UDAYABHANU

RESPONDENTS:

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STATE OF KERALA, REPRESENTED BY THE
EXCISE INSPECTOR,(CR.16/07 EXCISE RANGE
MALLAPPILLY), REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**V. RAMKUMAR, J.**

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Bail Application NO.3165/2007

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DATED: 30-05-2007

**O R D E R**

In this Petition filed under Sec. 438 Cr.P.C., the petitioner who is the accused in C.R. No.16/2007 of Mallappilly Excise Range for an offence punishable under section 8(2) of the abkari Act for allegedly having been found in possession of 20 litres of illicit arrack, seeks anticipatory Bail.

2. The learned Public Prosecutor opposed the application.

3. Anticipatory bail cannot be granted in a case involving such grave offence. It is too early to accept the petitioner's contention that he has been falsely implicated. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly if the petitioner surrenders before the Magistrate concerned within two weeks from today and files an application for regular bail, the same shall be considered and disposed of preferably on the same day on which it is filed, bearing in mind the decision in **Sukumari v. State of Kerala (2001 (1) KLT 22).**

With the above observation this Application is disposed of.

**V.RAMKUMAR,**
**JUDGE.**

mrcs